

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA(1) Lonnie Spellman DB-0910
(Name of Plaintiff) (Inmate Number)1111 Altamont Blvd
(Address)(2) _____
(Name of Plaintiff) (Inmate Number)_____
(Address)(Each named party must be numbered,
and all names must be printed or typed)

vs.

(1) Jeffrey Beard, et al.,

(2) _____

(3) _____
(Names of Defendants)(Each named party must be numbered,
and all names must be printed or typed)10-2334
(Case Number)CIVIL COMPLAINT
FILED
SCRANTON

DEC 03 2010

Per _____
DEPUTY CLERKTO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS
_____ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Lonnie Spellman (Plaintiff) v. Jeffrey Beard
et al., (Defendants) No. CV-06-2149
complaint filed 11/01/06 - Judge Mark

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you ~~fully~~ exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? I requested to either receive a non-smoking cellmate or a (2-code) single cell.
 2. What was the result? The grievance was denied as frivolous, all the way to final review.
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

- (1) Name of first defendant: Deputy Collins
 Employed as SCI-Frankville at Administrative Director
 Mailing address: 1111 Altamont Blvd. FRANKVILLE Pa. 17431
- (2) Name of second defendant: Superintendent
 Employed as Facility Manager at SCI-Frankville
 Mailing address: same as above
- (3) Name of third defendant: Major Turley
 Employed as N/A at SCI-Frankville
 Mailing address: same as above

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. Upon my arrival to SCI-Graterford and SCI-Frankville, I expressed my need for a non-smoking cellmate. Since, I do not smoke, I filed a

- grievance once the facility called me w/a
2. smoker. The grievance was denied for several
reasons outside of my control: (1) I was
transferred from graterford to Frackville and
(2) I had to wait for a response. Thus, my first
 3. grievance was denied for being untimely. Upon
arriving to SCI- Frackville, on or about march 22, 2010,
stated to the reception committee that I am not a
problem providing I was not called w/a smoker. Ot
wise, I would grieve my complaint.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Plaintiff seeks the following relief: A prelim
nary and/or permanent injunction against the defendants to
stop violating my constitutional rights from an enviroment that
is damaging to my health: to wit, celling with a smoker, in cells
with little to no ventilation, any form of retaliation with out
merit. (2) An order mandating the defendants to establish a sm-
oke free housing unit, where smoking is not tolerated in the pres
ence of non-smokers: (3) an order mandating the defendants
from using the grievance process as a deterance, which i experi-
enced being moved to the restriced housing unit that imposed majo
r2. storage problems, poor ventilation. (4) punitive damages
to be determined by the courts to compensate for the pain, suffer
ing and health hazardshe experienced stated in the complaint and
Health hazards that cannot be presently forseem by plaintiff. (5
Lastly, plaintiff ask for the appointment of counsel, due to the
intiacacies of this complaint, along with the mental health of
the plaintiff and the need to peruse certain material for discov-
ery. END OF STATEMENT!!

3.

continue names of defendants:

- (4) Mr. Evans unit manager
Employed as the unit manager of B-Unit at SCI Frackville
mailing address: 1111 altamont blvd. Frackville pa. 17931
- (5) Superintendent wenerowicz
Employed as: Superintendent of Frackville
- (6) DsFM Derfler
Employed as: Unkown
- (7) DSCS Kovalchik
Employed as: Unknown
- (8) Mr. P. Damiter
Employed as: Grievance coordinator
- (9) Lt. J.A. Lukashewski
Employed as: Asst. coordinator
- (10) C/O 1 Throway
Employed as : B-Block officer
- (11) C/O 1 Johnson
Employed as: B-Block officer
- (12) C/O1 Stutzman
Employed as : B-Block Officer
- (13) Miss M Miranda
Employed as : A-Block unit manager
- (14) The entire medical staff
Employed as: The medical department
- (15) Lt. Mariarchi
Employed as: Asst. coordinator
- (16) Et al., any and all defendants not mention but involved.

Continue statement of claim:

The response given by the reception committee was this is a non-smking facility , except in the recreation yard area. Upon being housed with a smoker, who smoke in the cell/ I complained to the following staff members. Officer Johnson on march 22, 2010 To no avail: To sgt. Long, unit manager Evans again to no avail. I wrote to Grievance coordinator; Mr. P. Damiter, and counselor Mr. Hoffman again to no avail. I suddenly was moved to the cell next door and instructed to find a non-smoking cellmate by (Mr. Evans) . During my search i uncovered that 73 of the 81 inmates on the unit were smokers. Before, I could locate a non-smoker A smoker was moved in (inmate Taylor) with me. i/m Taylor was moved from a smokers cell (i/m Brown). I question the logic of moving a smoker away from another smoker into the cell with me, when i was instructed to locate a non-smoker. Officer Thro way replied to my query statin; "he didnt know why? he was just following orders." I filed a grievance which was denied by the grievance coordinator, the Superintendent, and camphill (final-review). Though the grievance was denied, I assumed my problem was solved by being moved to the restricted housing unit with a non-smoker. However the cell was re-design for one person, who was a behavior problem resulting from a misconduct report and cell sanction. The cell has no hooks to hang clothing, the air vents are covered, there are no cabinets to hold personal property like other housing unit cells, Most important, no i/m handbook is issued on the unit appraising an inmate to the housing unit rules. Subsequently the non-smoker was transfered, and i was given another smoker as a cellmate. I filed the instant grievance that is the subject matter of the lawsuit also.

This grievance was file on July 01, 2010. It was denied by the grievance coordinators asst. on or about July 21, 2010. The Superintendent denied the appeal on or about August 17, 2010. And Final review to camphill was denied on September 15 2010. I have reason to believe my transfer to the restricted housing unit was retaliation by the facility staff in response to the first two grievances. Having had no misconducts, there is no security need for the transfer. Nor was there an overcrowding need in the unit from which i was transfered.

I declare under the penalty of perjury that the foregoing facts and statements are true, exact, and correct to the best of my knowledge information and belief.

MR. LONNIE SPELLMAN
DB-0910

